

BROWN FILE
(Compiled on 3/31/97)

- 11/18/87 A water sample was taken by Steve Breithaupt of DEQ from the old rr switching yard (#1 upstream). Sample was analyzed by Ron Donally of the State Lab for petroleum constituents. None were detected (reporting date: 12/11/87). A 2nd water sample was taken from the old rr switching yard from "#2 downstream" on the same date by same person; analyzed on same date by same person for same thing; and again no petroleum products were detected. **Papers thrown away.**
- 1/29/88 Aerial photo that came from Duane Little of the Shoshone County Assessors office in Wallace.
- 5/5/88 Ltr from William Dameworth of "North Idaho Units" to Stephen Breithaupt, enclosing a site map and discussing the digging of a trench from the old above-ground tank to the river (in next 4-6 weeks).
- 6/8/88 A documentation of historical property interests in this area.
- 6/23/88 Another paper on property search, owner, legal property description.
- 6/29/88 Photos of test pits dug on site and oily water on river's edge.
- 6/29/88 Chain of Custody sheet for 3 water samples and 2 soil samples.
- 6/29/88 Lab analyses of samples collected on 6/29 and 6/30/88.
- Drawing of site as it existed in 1915; shows train turntable, bldgs, etc.
- 8/8/88 Drawings of several borings, describing soil conditions in borings.
- Aerial photo of site (no date).
- 7/20/90 Site drawing for proposed recovery system.
- 10/15/90 Sample sheets and lab results for samples collected by Lisa Prochnow at HC#3,
- 10/29/92 E-mail from Tim Moskow (DEQ) to Lisa Prochnow (DEQ) saying Tim was trying to get some EPA money from the Oil Pollution program to fund some cleanup at Avery. **Thrown away.**
- 8/28/92 Ltr from Doug Conde (DEQ AG) to several DEQ people discussing a cleanup proposal from Potlatch.
- 1/13/93 File note created by Steve Sanchez (DEQ?) commenting on a Preliminary

Assessment, that it appears Clyde Cody of DEQ performed (Clyde's PA Executive Summary attached). Executive Summary Two-phase environmental assessment by Hart-Crowser; monitoring wells constructed and samples analyzed; site inspection recommended for completion of a Hazard Ranking System **Gone**.

- 2/19/93 E-mail between Conde & Prochnow describing how Avery will not become an NPL site & now the state can deal directly w/ the RPs **Gone**.
- 4/27/93 An E-mail from Doug Conde to DEQ people stating that EPA has finally issued their site investigation report. Doug promised to send a copy to Lisa Prochnow. **Paper thrown.**
- 4/28/93 E-mail from Conde to Baldwin, Wicherski, Burr, and Prochnow. Doug was saying that he talked to Mark Maserick (EPA) and the site will not rank on the NPL, but that the site shouldn't be ignored. The Site Investigation report recommends that the file be transferred to EPA's Removal Program for evaluation for a removal action. Doug was saying that if the state can get the RP's to sign a CO for cleanup, hopefully we could tell them that EPA would not start a removal action (& I assume go after the RP's for cost). Doug talked about scheduling a conference call between the state and feds to discuss options. **Paper thrown away.**
- 5/5/93 E-mail from Conde stating that EPA will probably not use their removal authority on this site but are looking at maybe using an administrative order to force a cleanup.
- 5/11/93 E-mail from Conde. EPA is ready to use Administrative Order authority. Do we want to go ahead and use it or just threaten it if RP's don't sign a CO w/ state?
- 5/11/93 E-mail from Painter to Sutherland. Brian had talked to Norm Linton of Potlatch. Norm is anxious to move ahead w/ remediation w/o any more bureaucratic B.S.
- 7/12/93 Letter from Conde to EPA IOO, commenting on a draft letter EPA is preparing to send to RPs **Gone**.
- 8/4/93 Ltr from Lynn McKee of EPA to an attorney (for Potlatch, I assume) stating that if Potlatch signs a cleanup agreement w/ Idaho, EPA will probably not come in and do a removal.
- 8/4/93 Same ltr to CMC Heartland Partners.
- 8/5/93 Letter from Conde to Potlatch & CMC referencing above letter & suggesting we now all move ahead.
- 10/21/93 Ltr from Idaho F&G to Gwen Burr stating that they had noticed petroleum going into the river at the Avery Site and could DEQ check into this.

10/27/93 Sample collected at well HC-4 and analyzed for PCBs.

10/28/93 Ltr from Brian Painter of CdA DEQ to Norm Linton of Potlatch discussing entering into a CO cleanup and also mentioning that he and Kreg Beck were out on site and Chris Holloway of H-C showed them "2 new wells". One was supposed to be a replacement well for HC-1.

1/28/94 File note by Brian Painter after his contact w/ Kevin Boling of Potlatch. Something about not calling the cleanup agreement a "unilateral order". **Gone.**

2/1/94 Ltr from Kevin Boling of Potlatch to Brian Painter (DEQ), discussing changes to the CO.

2/1/94 Fax to Kevin Boling and Norm Linton of Potlatch from Brian Painter transmitting a revised "shut down" criteria that is proposed as part of the draft CO.

2/2/94 File note from Brian Painter about a conversation he had w/ Norm Linton of Potlatch. He said that Norm was not comfortable w/ the phrase "any discharge of free product".

2/2/94 File note from BP stating he had talked to Kevin Boling of Potlatch and told him we cannot issue unilateral agreements w/ our regulations. Kevin also had a problem w/ the "no product discharge" phrase.

2/2/94 Another fax from BP to Kevin Boling and Norm Linton w/ a revised shut down criteria.

2/8/94 File note from BP. Summarized discussions he had w/ Norm L. on the "no free product discharge" issue.

2/15/94 File note from BP. Had again talked to Norm and Potlatch is having a real problem w/ the "visible sheen" language.

2/18/94 File note from BP; a discussion he had w/ Norm on the current status of the draft CO.

3/4/94 File note from BP. He had spoken to Boling and Linton. They didn't think CWA regulations applied; want a face-to-face meeting w/ Gwen Burr.

3/10/94 File note from BP. He had spoken to CMC reps and they wanted to know how all these legal orders/agreements were gonna work.

3/11/94 Letter from Doug Conde to CMC rep., Carey Rosemarin. Doug tells Carey where to get a copy of the Water Quality Regs and also cites case law as to why previous owner/operators are still liable.

3/14/94 File note from BP. He had spoken to Kevin Boling of Potlatch who informed him

that Potlatch was going to have a conference call to decide whether to sign CO.

- 3/29/94 Ltr from Paula Saul, DEQ, to Steve Palmer, Jenner & Block (Potlatch's attorney's, I think) extending some deadline from 4/1/94 to 5/1/94.
 - 4/14/94 Information request from a Karen Ekstrom of ERM in Montana for the operations section of the EPA site investigation.
 - 6/10/94 File note from BP about a conversation he had w/ Norm L. Potlatch ready to sign if state will give CMC a release of liability (because I believe CMC is just gonna give Potlatch a set amount of money).
 - 7/13/94 File note from BP about a conversation he had w/ Alan Stockman of the Federal Highway Administration, requesting an easement from them for the cleanup operation.
 - 7/29/94 Doug Conde sent attorneys for Potlatch and CMC a redrafted Settlement Agreement.
 - 8/4/94 2 ltrs sent to FHA and David Theriault; other property owners at the Avery site; requesting access across their property by Potlatch.
- Slides and pictures of the site.
- 8/4/94 Construction report for the Free Product Recovery System (FPRS). (Drawings are in large file cabinet along w/ this brown file). Fullfills item 4.A of the CO.
 - 8/10/94 Site map sent out by Gregg Rapp of Potlatch.
 - 8/16/94 Doug Conde sent attorneys for Potlatch and CMC the Settlement Agreement, CO, and Remediation Plan, for signature of CO & SA. **Gone.**
 - 8/25/94 Signed CO and Settlement Agreement.
 - 10/5/94 Pictures taken on site.
 - 1/9/95 Submittal of original Project Implementation Schedule.
 - 1/10/95 Submittal of revised Project Implementation Schedule.
 - 1/12/95 Ltr from Kreg Beck (DEQ) to Potlatch stating that PCS will not have to be removed off site but will have to be spread and bermed on site.
 - 2/6/95 Submittal of the pre-construction gw flow map, in accordance w/ 4.D.3 of the CO.

7/31/95 Submittal of 1st quarter performance report.

10/13/95 Submittal of 2nd quarter performance report.

1/26/96 1995 Annual Performance Report submitted (they never bothered to do a 3rd quarter monitoring event!).

7/29/96 Submittal of 1996 1st quarter monitoring report.

10/7/96 Submittal of 1996 2nd quarter monitoring report.

1/2/97 Submittal of a Bioassay report from TechCon.

1/7/97 Ltr from Gregg Rapp transmitting above report plus saying system was shut down in late November, 1996.

1/27/97 Second copy of Bioassay report, sent to Brian Painter.

2/4/97 Ltr from Brian Painter to TechCon stating that enzymes proposed to be used are acceptable in that they will not harm fish.

2/7/97 Submittal of Annual Performance Report for 1996.